

Program A: Environmental Compliance

PROGRAM DESCRIPTION

The mission of the Environmental Compliance Program is to ensure the public occupational safety and welfare of the people and environmental resources of Louisiana by conducting inspections of permitted facilities and activities and responding to chemical emergencies. The goals of the Environmental Compliance Program are to operate in an open, fair, and consistent manner; to strive for and assist in attaining environmental compliance in the regulated community; to protect environmental resources and the public health and safety of the citizens of the State of Louisiana. The activities of this program: Air, Water, Nuclear, and Hazardous.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2001-2002. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

1. (KEY) To ensure protection of public health by inspecting targeted facilities relative to air emissions, solid waste, water, hazardous waste and underground storage tanks, tire dealers, radiation licensed facilities, and priority projects related to asbestos and lead-based paint hazards.

Strategic Link: OEC, Objective 1: *The Environmental Compliance program, through the surveillance activity, will annually inspect facilities targeted for inspection by OEC and approved by the EPA and by the Nuclear Regulatory Commission (NRC) through the development and use of multi-media teams to achieve and/or maintain environmental integrity between July 1, 2000 and June 30, 2005.*

Explanatory Note: Facilities subject to inspection include 4,726 air quality facilities, 70 TSD (treatment, storage, and/or disposal) hazardous waste facilities, 385 solid waste facilities, 252 major water facilities, 4,300 minor water facilities, 2,565 tire dealer facilities, 5,988 registered underground storage tank sites, 500 radiation licenses, 3,500 x-ray registrations, 160 mammography facilities, and 30 U.S. Food and Drug Administration compliance inspections. Facilities are selected for inspections based upon targeting and prioritization strategies for each media to ensure compliance with federal and state regulations and to ensure protection of public health and the environment.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percent of air quality facilities inspected	Not applicable ¹	25%	25%	25%	25%	25%
K	Percent of TSD hazardous waste facilities inspected	Not applicable ¹	95%	95%	95%	95%	95%
K	Percent of solid waste facilities inspected	Not applicable ¹	90%	95%	95%	95%	95%
K	Percent of major water facilities inspected	90%	100%	95%	95%	95%	95%
K	Percent of minor water facilities inspected	30%	37%	33%	33%	33%	33%
K	Percent of tire dealer facilities inspected	Not applicable ¹	30%	30%	30%	30%	30%
K	Percent of registered underground storage tank sites inspected	20%	18%	15%	15%	15%	15%
K	Percent of radiation licenses inspected	Not applicable ¹	50%	50%	50%	50%	50%
K	Percent of x-ray registrations inspected	Not applicable ¹	20%	20%	20%	20%	20%
K	Percent of mammography facilities inspected	Not applicable ¹	100%	95%	95%	95%	95%
K	Percent of FDA compliance inspections conducted	Not applicable ¹	100%	95%	95%	95%	95%
K	Percent of top-rated asbestos projects inspected	90%	90%	90%	90%	90%	90%

K	Percent of top-rated lead projects inspected	90%	100%	90%	90%	90%	90%
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¹ This indicator was not established as a standard in the year indicated.

2. (KEY) To address 95% of reported environmental incidents and citizen complaints within 5 days of receipt of notification.

Strategic Link: OEC, Objective 2: *The Environmental Compliance Program, through the surveillance activity, will address all reported environmental incidents in a timely manner with 95% being addressed within five days of receipt of notification between July 1, 2000 and June 30, 2005..*

Explanatory Note:

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percentage of environmental incidents and citizen complaints addressed within 5 days of notification	Not applicable ¹	99%	95%	95%	95%	95%

¹ This indicator was not established as a standard in the year indicated.

Note: For trend information see the following table labeled "General Performance Information: Number of Environmental Incidents and Citizen Complaints"

GENERAL PERFORMANCE INFORMATION: INCIDENTS AND CITIZEN COMPLAINTS					
PERFORMANCE INDICATOR	CY 1995	CY 1996	CY 1997	CY 1998	CY 1999
Number of spill notifications	3,879	2,324	2,840	4,970	6,541
Number of citizen complaints	857	752	944	1,412	2,508

3. (KEY) To maintain the capability to respond effectively to potential nuclear power plant emergencies and coordinate off-site activities of other state and local agencies as indicated by meeting 100% of the Federal Emergency Management Agency's planning objectives.

Strategic Link: OEC, Objective 3: *The Environmental Compliance Program, through the surveillance activity, will demonstrate successful accomplishment of 100% of the applicable objectives of the Federal Emergency Management Agency's (FEMA) 33 exercise objectives and assure the completion of the 6-year cycle objective requirement by all off-site agencies through exercises between July 1, 2000 and June 30, 2005.*

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE	ACTUAL YEAREND	ACT 11 PERFORMANCE	EXISTING PERFORMANCE	AT CONTINUATION	AT RECOMMENDED
		STANDARD	PERFORMANCE	STANDARD	STANDARD	BUDGET LEVEL	BUDGET LEVEL
		FY 1999-2000	FY 1999-2000	FY 2000-2001	FY 2000-2001	FY 2001-2002	FY 2001-2002
K	Percentage of emergency planning objectives successfully demonstrated	100%	100%	100%	100%	100%	100%

4. (KEY) To issue 90% of the appropriate enforcement actions within the prescribed time periods called for by appropriate state and/or federal guidelines.

Strategic Link: OEC, Objective 5: *The Environmental Compliance Program, through the enforcement activity, will issue 90% of the appropriate enforcement actions within the prescribed time periods called for by the appropriate guidelines between July 1, 2000 and June 30, 2005.*

Explanatory Note: Prescribed time periods are as follows: Air - 270 days; Water - 150 days; Hazardous Waste - 180 days; and Radiation, Solid Waste & UST - 180 days.

L E V E L	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1999-2000	ACTUAL YEAREND PERFORMANCE FY 1999-2000	ACT 11 PERFORMANCE STANDARD FY 2000-2001	EXISTING PERFORMANCE STANDARD FY 2000-2001	AT CONTINUATION BUDGET LEVEL FY 2001-2002	AT RECOMMENDED BUDGET LEVEL FY 2001-2002
K	Percent of enforcement actions issued within the prescribed timelines	Not applicable ¹	65%	90%	90%	90%	90%

¹ This indicator was not established as a standard in the year indicated.

GENERAL PERFORMANCE INFORMATION: NUMBER OF MEDIA SPECIFIC ENFORCEMENT ACTIONS						
PERFORMANCE INDICATOR	ACTUAL FY 1994- 95	ACTUAL FY 1995- 96	ACTUAL FY 1996- 97	ACTUAL FY 1997- 98	ACTUAL FY 1998- 99	ACTUAL FY 1999- 00
Number of air quality enforcement actions issued	188	223	171	201	316	208
Number of solid waste enforcement actions issued	344	187	369	391	391	112
Number of hazardous waste enforcement actions issued	143	139	94	95	143	99
Number of water quality enforcement actions issued	229	276	364	475	256	254
Number of radiation enforcement actions issued	635	690	631	203 ¹	234	196

¹ New procedures were instituted to address failure to pay fees for x-ray registrations in 1998 resulting in a drop in the number of enforcement actions required.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1999- 2000	ACT 11 2000 - 2001	EXISTING 2000 - 2001	CONTINUATION 2001 - 2002	RECOMMENDED 2001 - 2002	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$313,155	\$312,628	\$312,628	\$338,638	\$282,102	(\$30,526)
STATE GENERAL FUND BY:						
Interagency Transfers	0	0	0	0	0	0
Fees & Self-gen. Revenues	0	0	0	0	0	0
Statutory Dedications	13,489,805	14,650,819	14,650,819	14,092,733	13,190,397	(1,460,422)
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	2,617,855	2,495,000	2,495,000	3,470,000	3,470,000	975,000
TOTAL MEANS OF FINANCING	\$16,420,815	\$17,458,447	\$17,458,447	\$17,901,371	\$16,942,499	(\$515,948)
EXPENDITURES & REQUEST:						
Salaries	\$9,462,412	\$10,278,830	\$10,278,830	\$11,384,484	\$10,473,726	\$194,896
Other Compensation	105,335	70,500	70,500	69,500	69,500	(1,000)
Related Benefits	1,712,170	1,939,673	1,939,673	2,227,406	2,109,007	169,334
Total Operating Expenses	2,931,262	3,100,034	3,100,034	2,991,296	2,673,846	(426,188)
Professional Services	200,504	52,000	52,000	52,000	82,000	30,000
Total Other Charges	750,331	793,385	793,385	738,385	799,670	6,285
Total Acq. & Major Repairs	1,258,801	1,224,025	1,224,025	438,300	734,750	(489,275)
TOTAL EXPENDITURES AND REQUEST	\$16,420,815	\$17,458,447	\$17,458,447	\$17,901,371	\$16,942,499	(\$515,948)
AUTHORIZED FULL-TIME EQUIVALENTS: Classified	302	302	302	302	272	(30)
Unclassified	1	1	1	1	1	0
TOTAL	303	303	303	303	273	(30)

SOURCE OF FUNDING

This Environmental Compliance program is funded with General Fund, Statutory Dedications and Federal Funds. Statutory Dedications are derived from the Environmental Trust Fund (ETF) and the Waste Tire Management fund. (Per R.S. 39:32B. (8), see table below for a listing of expenditures out of each statutory dedicated fund.) The ETF consists of all fees assessed pursuant to the authority granted in R.S. 30:2014, R.S. 39:55.2 and any other provisions of law authorizing the department to assess a fee. Such fees are used only for the purposes for which they were assessed. The Waste Tire Management fund consist of all fees assessed pursuant to the authority granted in R.S. 30:2418, R.S. 39:55.2 and any other provisions of law authorizing the department to assess fees. These fees are utilized only for the purposes for which they are assessed. Federal Funds consist of grants issued by the U. S. Environmental Protection Agency (EPA) for contractual and operational costs associated with: Air Pollution Grant; Resource Conservation Recovery Act of 1976; Non-point Source Implementation; Lead

Based Paint Program; and US Dept. of Energy: Transuranic Waste Shipment; Leaking Underground Storage Tank Grant; Air Quality Asbestos; Water Pollution Control Grant; and Ambient Air Monitoring.

	ACTUAL	ACT 11	EXISTING	CONTINUATION	RECOMMENDED	RECOMMENDED
	1999- 2000	2000 - 2001	2000 - 2001	2001 - 2002	2001 - 2002	OVER/(UNDER) EXISTING
Environmental Trust Fund	\$13,422,932	\$14,500,819	\$14,500,819	\$13,942,733	\$13,040,397	(\$1,460,422)
Waste Tire Management Fund	\$66,873	\$150,000	\$150,000	\$150,000	\$150,000	\$0

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$312,628	\$17,458,447	303	ACT 11 FISCAL YEAR 2000-2001
			BA-7 TRANSACTIONS:
\$0	\$0	0	None
\$312,628	\$17,458,447	303	EXISTING OPERATING BUDGET – December 15, 2000
\$0	\$181,084	0	Annualization of FY 2000-2001 Classified State Employees Merit Increase
\$0	\$224,731	0	Classified State Employees Merit Increases for FY 2001-2002
\$0	(\$27,683)	0	Risk Management Adjustment
\$0	\$734,750	0	Acquisitions & Major Repairs
\$0	(\$1,224,025)	0	Non-Recurring Acquisitions & Major Repairs
\$0	(\$1,029,157)	(30)	Attrition Adjustment
\$0	\$5,152	0	Maintenance of State-Owned Buildings
\$0	(\$2,517)	0	Civil Service Fees
\$0	\$9,180	0	Other Adjustment - Adjustment to correct an error in the civil fee allocation from FY 01.
\$0	(\$187,177)	0	Other Adjustments - Reduction in expenditures is based on the department being able to fund the new dual career ladder positions approved by civil service. The dual career ladder positions have a technical and a management side for certain positions. This plan was designed to offer an employee promotional growth within DEQ and for DEQ to maintain the technical expertise which is needed for the department.
\$0	\$987,649	0	Other Adjustments - Funding provided for training series, civil service initiated reallocations and incumbent adjustments
(\$30,526)	(\$30,526)	0	Other Adjustments - Reduction in the number of samples taken for the Mercury activity
\$0	\$79,996	0	Other Technical - Adjustment to move the hotline and radio dispatch from Information Services to the Office of Environmental Compliance, Surveillance Division
\$0	\$14,000	0	Other Technical - Adjustment to move responsibility for a copier from the Office of Environmental Assessment, Environmental Evaluation to the Office of Environmental Compliance, Surveillance Division
\$0	\$30,000	0	Other Technical - Adjustment to move professional services from the Office of Environmental Services to the Office of Environmental Compliance
\$0	(\$281,405)	0	Other Technical - Adjustment to move operating services from the Office of Environmental Compliance to the Office of the Secretary, Office of Environmental Services and the Office of Environmental Assessment for building rent.
\$0	\$0	0	Net Means Of Financing Substitutions - Replace Statutory Dedications with Federal Funds due to realigning of revenues to pay expenses on current grants for Air 105 and Water 106 activities. This adjustment completes the revenue adjustments based on the department reorganizing.

\$282,102	\$16,942,499	273	TOTAL RECOMMENDED
	\$0		
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$282,102	\$16,942,499	273	BASE EXECUTIVE BUDGET FISCAL YEAR 2001-2002
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$282,102	\$16,942,499	273	GRAND TOTAL RECOMMENDED

The total means of financing for this program is recommended at 97.0% of the existing operating budget. It represents 99.7% of the total request (\$16,988,893) for this program. The decrease of 0.31% reduction is due to adjustment to move operating services from the Office of Environmental Compliance to the Office of the Secretary; Office of Environmental Services; and the Office of Environmental Assessment for building rent. This program does not have any positions, which have been vacant for 1 year or more.

PROFESSIONAL SERVICES

\$12,000	Enforcement Action Delivery - Acquiring outside assistance to deliver subpoenas for administrative/judicial hearings
\$25,000	Technical Training Assistance - Training inspectors in proper safety procedures as part of agency readiness for incident response
\$15,000	Visible Emission Workshop - Required by EPA twice a year to maintain certification for field staff and indorse personnel
\$30,000	Asbestos Demo/Reno Estimates - To provide documentation of asbestos demolit ion/renovation estimates for the purpose of determining economic benefits of non-compliance in assessing penalties
\$82,000	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$25,000	Central Low Level Radioactive Waste Compact - Annual fees assessed to the State of Louisiana for the establishment of a joint multi-state disposal facility for Low Level Radioactive Waste
\$100,000	Transuranic Waste Shipment - To train emergency personnel at the and local levels and to prepare procedures to successfully deal with any radiological emergencies
\$100,000	Environmental Emergency Cleanup - Funds for small spills and clean ups where owner/operators cannot be identified
\$45,000	Mercury - For Air monitoring equipment and sampling of 15 statewide sites
\$50,000	Mercury - For DHH Mercury studies in humans
\$30,000	Mercury - For DHH public awareness of mercury contamination in the environment
\$50,000	Mercury - For research into mercury sources within state and possible cleanup methods
\$194,474	Mercury Investigation and Sediment Investigation - To analyze tissue, soil and water samples collected for mercury contaminate investigations

\$594,474 SUB-TOTAL OTHER CHARGES

Interagency Transfers:

\$35,680 Department of Civil Service - Reimbursement for services
\$2,712 CPTP - Training Costs
\$45,023 Division of Administration - Rental - Shreveport Office
\$36,633 Department of Public Safety - Hazardous Waste and Emergency Response
\$79,996 Department of Public Safety - Hotline and Radio Dispatch
\$5,152 Division of Administration - Maintenance of State-owned Buildings

\$205,196 SUB-TOTAL INTERAGENCY TRANSFERS

\$799,670 TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$734,750 Replacement of 1 vehicle, boats, office equipment, other monitoring equipment, major repairs etc.

\$734,750 TOTAL ACQUISITIONS AND MAJOR REPAIRS